

CHAPTER 7 VICTIM NOTIFICATION

205—7.1(910A) Definitions.

“Notification” means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from providing appropriate information to a registered victim by telephone.

“Parole interview” means an interview conducted by the board to consider an inmate’s prospects for parole pursuant to Iowa Code section 906.5.

“Registered” means having provided the board with the victim’s written request for notification and current mailing address and telephone number.

“Victim” means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

“Violent crime” means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

205—7.2(910A) Registration with the board. A person may register for victim notification by providing the board with a written request for notification and current mailing address and telephone number. The person may also provide the offender’s name, crime, county of conviction, and a brief summary of the circumstances of the crime and the harm suffered.

205—7.3(910A) Registration eligibility review. The board shall notify a registered victim of a violent crime of pending parole interviews with the inmate, shall provide the victim the opportunity to submit or express an opinion concerning the release of the inmate, and shall notify the victim of the board’s release decision. The board shall review the request for notification to determine whether the person requesting notification is eligible for registration and notification as follows:

7.3(1) If the board determines that the person is not a “victim,” as defined in rule 7.1(910A), the person is not eligible to register with the board.

7.3(2) If the board determines that the person is a “victim,” as defined in rule 7.1(910A), and that the offense is not a “violent crime,” as defined in rule 7.1(910A), the person is eligible to register with the board but is not eligible for notification of parole interviews and decisions.

7.3(3) If the board determines that the person is a “victim,” as defined in rule 7.1(910A), and that the offense is a “violent crime,” as defined in rule 7.1(910A), the person is eligible to register with the board for notification of parole interviews and decisions.

205—7.4(910A) Registration notice. The board shall notify the person submitting the request for notification of its eligibility determination. A registered victim shall be responsible for keeping current an appropriate mailing address and telephone number.

205—7.5(910A) Written opinions concerning release. A registered victim may submit a written opinion concerning the release of the inmate at any time by mailing the opinion to the business office. The written opinion shall be made a permanent part of the inmate’s file and shall be reviewed when the board considers the inmate’s prospects for parole.

205—7.6(910A) Appearances at parole interviews.

7.6(1) A registered victim of a violent crime may appear personally or by counsel at a parole interview to express an opinion concerning the release of the inmate. The board shall notify the victim of the time, date, and location of the parole interview not later than five days prior to the interview.

7.6(2) If a registered victim of a violent crime intends to appear at a parole interview, the victim must comply with the rules of the department of corrections that require a visitor to a state institution to give prior notice of the intended visit and to receive approval for the visit.

7.6(3) A registered victim of a violent crime or victim's counsel shall appear at the institution at time set forth in the notice of parole interview. The victim or counsel shall inform institutional personnel of the purpose of the appearance and shall request a board liaison officer. The liaison officer shall coordinate the appearance of the victim or victim's counsel with the board. At the appearance, the board shall permit the victim or victim's counsel to express an opinion concerning the release of the inmate.

205—7.7(910A) Disclosure of victim information. A victim's registration with the board is confidential and shall not be disclosed to the public. A victim's registration with the board and the substance of any opinion submitted by the victim regarding the inmate's release shall be disclosed to the inmate unless withholding the information is requested by the victim and the board determines that the release of the information would endanger the safety of the person providing the statement or testimony.

These rules are intended to implement Iowa Code chapter 910A.

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